

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KAREN GARLAND,

Plaintiff,

- against -

MARRIOTT INTERNATIONAL, INC.,

Defendant.

OPINION AND ORDER

04 Civ. 7362 (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

I. BACKGROUND

On September 15, 2004, this action was removed to this Court from the Supreme Court, New York County pursuant to 28 U.S.C. §441 and §1332. Plaintiff Karen Garland alleges that she sustained personal injuries as a result of a defective condition on the premises of defendant the Marriott International, Inc. (“Marriott”). On November 9, 2004, the Court issued a scheduling order which provided that no additional parties were to be joined after January 3, 2005, except for good cause shown. On September 2, 2005, defendant Marriott filed a motion for leave to commence a third-party action against two additional parties. The Court held a conference on September 20, 2005. Marriott’s motion is **DENIED**.

II. DISCUSSION

In pertinent part, Marriott argues – both on its motion papers and orally at the conference – that its motion should be granted because it would not have known that a potential claim existed against these additional parties until Garland’s deposition was conducted on May 19, 2005. Garland orally opposed the motion at the conference. The Court finds that Marriott has not shown good cause. In light of the Court’s November 9, 2004 order, Marriott should have

conducted Garland's deposition at an earlier time.

III. CONCLUSION

Marriott's motion for leave to commence a third-party action is **DENIED**.

SO ORDERED this 20th day of September 2005
New York, New York

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

The Honorable Ronald L. Ellis
United States Magistrate Judge